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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,527	10/12/2001	Robert B. Blake	0290.00004	2471

7590 09/11/2002

Bliss McGlynn & Nolan, P.C.  
Suite 600  
2075 West Big Beaver Road  
Troy, MI 48084

EXAMINER

BARTZ, CLIFFORD T

ART UNIT PAPER NUMBER

3683

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/976,527

Applicant(s)

BLAKE, ROBERT B.

Examiner

Clifford Bartz

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-12,15-17 and 20 is/are rejected.
- 7) ☐ Claim(s) 2,9,13,14,18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1,2,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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### Part III DETAILED ACTION

#### Specification

Applicant is reminded that the file history of the case must be inserted in the specification, i.e. the status of all the parent applications needs to be indicated. Applicant is further reminded that an amendment cannot itself be amended.

#### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claim(s) 1, 4, 10, 12, 20 is(are) rejected under 35 U.S.C. § 103 as being unpatentable over Strader in view of Biederman.

Strader discloses all the structure of the claimed device including: insulating member 70, 72 in Fig. 4; except for a cover plate. Biederman is relied upon merely to show that it is known in the art to provide cover plate 90. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the hitch of Strader with a cover plate, in order to have better control of corrosion and exposure.

Claim(s) 3, 8 is(are) rejected under 35 U.S.C. § 103 as being unpatentable over Strader in view of Biederman and further in view of Fortier.

See 24, 25, 26. Obvious to modify main body 36 of Strader by placing apertures along it, as shown in Fortier; to permit horizontal adjustment by use of a locking pin.

Claim(s) 5, 6, 7, 15, 16, 17 is(are) rejected under 35 U.S.C. § 103 as being unpatentable over Strader in view of Biederman.

Strader in view of Biederman discloses all the structure of the claimed device as detailed above; except for hinge knuckles and pins. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a hinge, with knuckles and pins; since the examiner takes Official Notice that a knuckles used in hinges is a fact beyond the record which is capable of such instant and unquestionable demonstration, in the hinge art, so as to defy dispute; and it would be within the level of ordinary skill in the art for a routineer to combine a hinge of this nature with Strader in view of Biederman, so as to provide a particular type of folding joint.

Claim(s) 11 is(are) rejected under 35 U.S.C. § 103 as being unpatentable over Strader in view of Biederman.

Strader in view of Biederman. discloses all the structure of the claimed device as detailed above: except for raised elements on a rear face. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize raised elements on a rear face ( such as signs or identification ); since the examiner takes Official Notice that identification by raised letters, such as when used in signs, is a fact beyond the record which is capable of such instant and unquestionable demonstration, in the sign art, so as to defy dispute;

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and it would be within the level of ordinary skill in the art for a routineer to combine a raised letter sign of this nature with Strader in view of Biederman. so as to provide the capability to demonstrate association.

#### Allowable Subject Matter

Claim(s) 2, 9, 13, 14, 18, 19 would be considered allowable if rewritten to correct any objections; or overcome any applicable rejections, under 35 USC 112; and to include all the limitations of the base claim and any intervening claims.

#### Conclusion

In Kozlarek, note Message system/trailer hitch; in Williams, note 24.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Bartz whose telephone number is (703)308 - 2564. The examiner can normally be reached on Mondays thru Fridays from 8:30 am to 3:30 pm.

( clifford.bartz@uspto.gov )[ Fax -(703)308 - 3519 ]

If attempts to reach the examiner by telephone are unsuccessful; a message may be left at the Group Receptionist, whose telephone number is ( 703 ) 308 - 1113 .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavendar, can be reached on (703)308-3421

Any further inquiry of a general nature or relating to the status of this application may also be directed to the Group Receptionist, whose telephone number is ( 703 ) 308 - 1113.

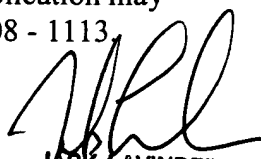
Clifford T. Bartz

Examiner

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#### Summary:

Total claims = 1 - 20  
Rejected claims = 1, 3 - 8, 10, 11, 12, 15, 16, 17, 20  
Objected claims = 2, 9, 13, 14, 18, 19

  
JACK LAVINDER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600  
9/9/02